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FEDERAL COMMUNICATIONS COMMISSION

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August 6, 1997

Mr. William Caton, Secretary
The Federal Communications Commission
1919 M Street NW
Washington DC 20554

RE: MM Docket Number 93-301

Dear Mr. Caton:

Transmitted herewith, on behalf of Elizabeth Farmer, Personal Representative of the Estate of Charles Farmer, through counsel, is an original and nine (9) copies of a "Response" to the "Opposition to Petition for Leave to Amend" submitted by Richard M. Schafbuch in the Ilwaco, Washington FM proceeding.

Should any questions arise with regard to this matter, please communicate with the undersigned, directly,

Respectfully submitted,



Richard J. Hayes, Jr.
Counsel to
Elizabeth Farmer, Personal Representative of
The Estate of Charles Farmer

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC 20554

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AUG - 8 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN RE APPLICATIONS OF:

CHARLES A. FARMER

FCC FILE NO. BPH-920518MA

RICHARD M. SCHAFBUCH

FCC FILE NO. BPH-920521MI

FOR A NEW FM STATION CONSTRUCTION PERMIT
CHANNEL 280C3, ILWACO, WASHINGTON

MM DOCKET NO. 93-301

TO: HONORABLE JUDGE JOSEPH CHACHKIN
ADMINISTRATIVE LAW JUDGE

RESPONSE TO SCHAFBUCH OPPOSITION
TO PETITION FOR LEAVE TO AMEND
THE APPLICATION OF CHARLES A. FARMER

COMES NOW, Elizabeth Farmer, Personal Representative of Charles A. Farmer, through counsel, with this "Response to Schafbuch Opposition to Petition for Leave to Amend" the application of Charles A. Farmer in the above-captioned proceeding.

Schafbuch argues that the Petition for Leave to Amend and the Amendment submitted by Betty Farmer to the New FM Construction Permit application of her late husband be denied and rejected, respectively, because Betty Farmer failed to report her husband's death as promptly as possible, "...*unless good cause is shown*", in accordance with Section 1.65 of the Commission's Rules. This is as preposterous as it is insensitive.

It should first be noted that the death of Mr. Farmer was sudden and unexpected. His widow, Betty Farmer, is still struggling with the loss of her husband and, in the meantime, has been working long and hard to make certain that the four stations owned and managed by her late husband are operated in accordance with the Commission's rules. This has been Betty Farmer's first and most important business priority. Betty Farmer, certainly past retirement age, has never managed a radio station before but is quickly learning and has done an excellent job, despite the personal and emotional difficulties associated with her husband's passing. She has been directly involved in the preparation of all of the involuntary transfer of control applications for all four stations. She has also been directly involved with the management of KCST AM and FM, Florence, Oregon. Last week, Betty

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The Application of Charles A. Farmer
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Farmer completed negotiations for an LMA for the stations in Long Beach and Astoria and has entered-into an agreement to sell those stations. During this same period of time, she has been supervising the operations of both KVAS and KKEE. Additionally, she has been overwhelmed with estate, trust and probate matters. Lately, Mrs. Farmer has taken a direct role in the preliminary stage of license renewal for all four stations. While her own physical and emotional health have been her first concern since the passing of her husband, Betty Farmer's first priority from a business standpoint was to sort out all of her husband's affairs and make certain that the existing radio stations were operated in accordance with the Commission's Rules. To be perfectly honest, she did not realize that she had thirty days from the date of Chuck's death to file an amendment to her late husband's application in Ilwaco. Under the circumstances, good cause certainly exists to justify a late-filed amendment in a case which has been frozen for several years and is likely to remain frozen for several more years.

It should also be pointed-out that counsel was not even aware of the fact that Charles Farmer had passed-away until late March of 1997. By that time, counsel was overwhelmed with urgent matters regarding the existing Farmer radio stations. It can honestly be said that the Petition for Leave to Amend and the Amendment filed on July 21, 1997 by Betty Farmer was submitted as promptly as possible, under the circumstances. Without a doubt, the fact that the case was "frozen" played a large role in when the amendment was prepared and submitted. Had the case been active, counsel would have learned of Mr. Farmer's death sooner and the amendment submitted, sooner. In this case, however, no party was prejudiced by the filing on the date it was made. The Commission was not placed at any additional expense and no portion of the amendment was made for the purpose of improving any comparative element of the case. (If it can even be said that there is, under the circumstances of the "freeze", any comparative element actually to improve.)


It was assumed that Schafbuch would have easily understood that Betty Farmer would have been overwhelmed by the burden she assumed with regard to the family radio stations after Charles Farmer's death. It was also assumed that that Mr. Schafbuch would have realized that good cause existed, even if not specifically spelled-out, for the lateness with which this Petition for Leave to Amend and Amendment were filed. It was further assumed that Mr. Schafbuch would have also understood that his interests and the interests of the Commission in maintaining order in comparative cases would not be prejudiced by a late filed informational amendment, under the circumstances.

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The Application of Charles A. Farmer
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Under these circumstances, it is respectfully requested that the Presiding Judge take notice of the fact that there has been no intent on the part of Betty Farmer to disregard Section 1.65 of the Commission's Rules. The family stations have operated with unblemished records for many, many years and Mrs. Farmer has been overwhelmed by legal matters from the date of her husband's death. Mr. Schafbuch has not been injured, in any way, and his case is not harmed but the lateness Betty Farmer's informational amendment.

It is respectfully requested that the Petition for Leave to Amend the Application of Charles Farmer be supplemented by the explanation of "good cause" offered in this "Opposition". It also respectfully requested that the Amendment offered by Mrs. Farmer be accepted.

Respectfully submitted,



Richard J. Hayes, Jr.

Counsel to
Elizabeth Farmer, Personal Representative of
Charles Farmer

August 5, 1997

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CERTIFICATE OF SERVICE

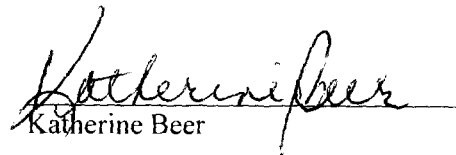
I, Katherine Beer, a secretary in the Law Offices of Richard J. Hayes, Jr., hereby certify that I have, on this 6th of August, 1997, caused to be delivered or mailed via first-class United States mail, postage prepaid, copies of the foregoing to the persons named, below:

The Honorable Joseph Chachkin
Administrative Law Judge
Federal Communications Commission
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